THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15491 OF 2006

BETWEEN:

Boddapu Poli Naidu

..Petitioner

vs.

The District Panchyat Officer,Visakhapatnam and others.

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15491 OF 2006

ORAL ORDER

For an election to the post of Sarpanch of Sontyam Gram Panchayat, Ananda Puram Mandal, Visakhapatnam District scheduled on 06-08-2006, the petitioner filed a nomination. The nomination of the petitioner was rejected by the 3rd respondent on the ground that he suffered disqualification under Sec. 19 of the Panchayat Raj Act,1994 (for short "the Act") since he has to pay surcharge dues to the Government during his tenure as Sarpanch of the same village.

Aggrieved thereby the petitioner preferred an appeal to the 2nd respondent, who, the petitioner alleges, erroneously and without due application of mind has rejected the appeal by order dated.22-07-2006. The petitioner contends that he was Sarpanch of the said village till 2002 and no proceedings were issued or pending against him under Sec.17 or 18 of the Act. Audits were held for the Panchayat and he complied with the objections. On this factual platform the petitioner contends that rejection of his nomination is invalid.

Since the election is scheduled on 06-08-2006, no interference is called at this stage. If the petitioner is aggrieved he has an efficacious alternative remedy by way of election petition.

In the above circumstances, the writ petition is dismissed at the stage of admission relegating the petitioner to seek

alternative remedy by way of election petition. No order as to costs.

GODA RAGHURAM,J

28TH JULY 2006
***TSNR**